

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNIVERSAL MUSIC GmbH d/b/a BRAVADO,

Plaintiff,

v.

BELLA STORE NO. 1 et al.,

Defendants.

Case No.: 20-cv-4217

Judge: John Z. Lee

PLAINTIFF'S MEMORANDUM IN SUPPORT OF JOINDER

At least the following twelve Defendants [No. 13 chenqiong 929, No. 14 five A, No. 15 FOR AMAZING, No. 45 bright month, No. 46 gddshwetg9845, No. 47 yangjianghua815, No. 79 dgsjtn, No. 86 fczx dw Friday, No. 98 henghenghahashenghuo, No. 100 huangjinping888666, No. 164 wenjiao666 and No. 186 zhoumaomao fashion] listed in Plaintiff's Amended Complaint filed on July 17, 2020 are properly joined as Defendants in this matter. [Docket No. 8].

Federal Rule of Civil Procedure 20(a)(2)(A)-(B) states that parties may be joined in one action as defendants if “(A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.” (F.R.C.P. 20(a)).

Courts in this District have found joinder of defendants in factually similar cases proper. For example, Judge Lefkow found joinder proper in *Too Faced Cosmetics, LLC v. Operators of KTKT Store, et al.*, No. 19-cv-07762 (N.D. Ill. Nov. 25, 2019) (see Dkt. Nos. 22, 27 and 30) and

Gold's Gym Licensing LLC v. Operators of dropshipping fastship Store, et al., No. 19-cv-07446 (N.D. Ill. Nov. 11, 2019) (see Dkt. Nos. 32, 38 and 43).

The leading case interpreting Fed. R. Civ. P. 20, *Mosely v. General Motors Corp.*, held that “all ‘logically related’ events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or occurrence. The analogous interpretation of the terms as used in Rule 20 would permit *all reasonably related claims* for relief by or against different parties to be tried in a single proceeding.” *Mosely v. General Motors Corp.*, 497 F.2d 1330, 1333 (8th Cir. 1974) (citations omitted) (emphasis added); *see also, United States v. Mississippi*, 380 U.S. 128, 142 (1965) (joinder proper even though defendants were independent actors, because defendants’ actions were part of same series of transactions or occurrences); *Civil Aeronautics Bd. v. Carefree Travel, Inc.*, 513 F.2d 375, 384 (2d Cir. 1975) (joinder proper when “operative facts are related even if the same transaction is not involved”); *City of New York v. Joseph L. Balkan, Inc.*, 656 F. Supp. 536, 549 (E.D.N.Y. 1987) (allowing joinder for a “series of occurrence of similar types and with similar purposes”).

As such, joinder of the Defendants in this case is permitted by Fed. R. Civ. P. 20, particularly at this stage of the proceeding.

In the present case, all twelve Defendants have been accused of the same illegal acts of selling counterfeit trademarked Volbeat products in a series of transactions and occurrences as described in Plaintiff’s Amended Complaint. Moreover, there are common questions of law and fact related to the twelve named Defendants.

By examining the store fronts of the Defendants listed below, this Court can determine that they all share nearly identical webpage design, provide similar descriptions of the products being sold and are selling identical counterfeit goods. Even the models displaying the t-shirts

overlap. The only differentiating factor between the storefronts is their name. Furthermore, the prices for the products are substantially the same. (See below and Exhibit 2 to the Declaration of Anna Reiter [Dkt. Nos. 11-13]).

No. 13 chengqiong929

Overview

Related Products

cheap men t-shirt fashion shirt men casual shirt Volbeat SEAL THE DEAL & LET'S BOOGIE Album Cover Mens Black T Shirt

★★★★☆ (4 reviews)

\$19USD ~~\$45USD~~

Size:

S

Color:

Black

02:01 Instant offer: Add to cart right now to unlock a lower price!

Buy

♥ Add to Wishlist

Standard Shipping \$ 6 USD

Oct 4 - Oct 20

Items are sold and shipped by chengqiong929

No. 14 FiveA

Overview

Related Products

Cheap Men T-shirt Fashion Shirt Men Casual Shirt Volbeat SEAL THE DEAL & LET'S BOOGIE Album Cover Mens Black T Shirt

\$16USD ~~\$30USD~~

Size:

Color:

Buy

♥ Add to Wishlist

Standard Shipping \$4USD
Oct 31 - Nov 8
Items are sold and shipped by FiveA

No. 15 FOR AMAZING

Overview

Related Products

cheap men t-shirt fashion shirt men casual shirt Volbeat SEAL THE DEAL & LET'S BOOGIE Album Cover Mens Black T Shirt

★ ★ ★ ★ ★ [3 reviews](#)

\$16USD ~~\$45USD~~

Size:

Color:

02:50

Instant offer: Add to cart right now to unlock a lower price!

Buy


♥ Add to Wishlist

Standard Shipping \$5USD
Oct 6 - Oct 16
Items are sold and shipped by FOR AMAZING

No. 45 brightmonth

Overview

Related Products



Volbeat "hot Volbeat Seal the Deal Tour 2017" Black T-shirt

\$22USD ~~\$47USD~~

Size:

Color:

Buy

[Add to Wishlist](#)

Standard Shipping \$6USD


Oct 3 - Oct 19

Items are sold and shipped by [Brightmoon](#)

No. 46 gddshwetg9845

Overview

Related Products



Volbeat "hot Volbeat Seal the Deal Tour 2017" Black T-shirt

\$16 ~~\$46~~

Size:

Color:

Buy

[Add to Wishlist](#)

Standard Shipping \$5

Nov 16 - Dec 2

Items are sold and shipped by [gddshwetg9845](#)

No. 47 yangjianghua815

Overview

Related Products



Volbeat "Hot Volbeat Seal the Deal Tour 2017" Black T-shirt

★★★★★ (39 reviews)

\$11USD ~~\$16USD~~

Size:

S

Color:

Black

Buy

♥ Add to Wishlist

✓ Verified by Wish Shoppers

Product consistently receives high satisfaction ratings from our shoppers

Standard Shipping \$2USD

Oct 31 - Nov 15

Items are sold and shipped by yangianghua815

No. 79 dgsjtn

Overview

Related Products



Fashion,T-Shirt,cheap,men,t-shirt,fashion,shirt,men,casual,shirt,Volbeat,SEAL,THE,DEAL,&LET'S,BOOGIE,Album,Cover,Mens,Black,T,Shirt

\$19USD ~~\$69USD~~

Size:

S

Color:

Black

Buy

♥ Add to Wishlist

Standard Shipping \$5USD

Oct 11 - Oct 27

Items are sold and shipped by dgjtn

No. 86 fcxdw Friday

Overview

Related Products



Hot Volbeat Seal the Deal Tour Men's T Shirt Summer Fashion High Quality Tees Cotton Short Sleeve Tops

\$17 ~~\$62~~

Size:

S

Color:

Black

Buy

♥ Add to Wishlist

Standard Shipping \$5

Nov 5 - Nov 14

Items are sold and shipped by fctade Friday

No. 98 henghenghahashenghuo

Overview

Related Products



Volbeat ''hot Volbeat Seal the Deal Tour 2017'' Black T-shirt

\$14USD ~~\$46USD~~

Size:

XS

Color:

Black

Buy

♥ Add to Wishlist

Standard Shipping \$4USD


Oct 31 - Nov 13

Items are sold and shipped by henghenghahashenghuo

No. 100 huangjinping888666

Overview

Related Products



Volbeat "Hot Volbeat Seal the Deal Tour " Black T-shirt

\$11USD ~~\$36USD~~

Size:

S

Color:

Black

02:54 Instant offer! Add to cart right now to unlock a lower price!

Buy

♥ Add to Wishlist

Standard Shipping \$2USD

Oct 11 - Oct 27

Items are sold and shipped by huangjing888666

No. 164 wenjiao666

Overview

Related Products



Fashion T-Shirt cheap men t-shirt, fashion shirt men casual shirt Volbeat SEAL THE DEAL & LET'S BOOGIE Album Cover Mens Black T Shirt

\$15USD

Size:

S

Color:

Black

Buy

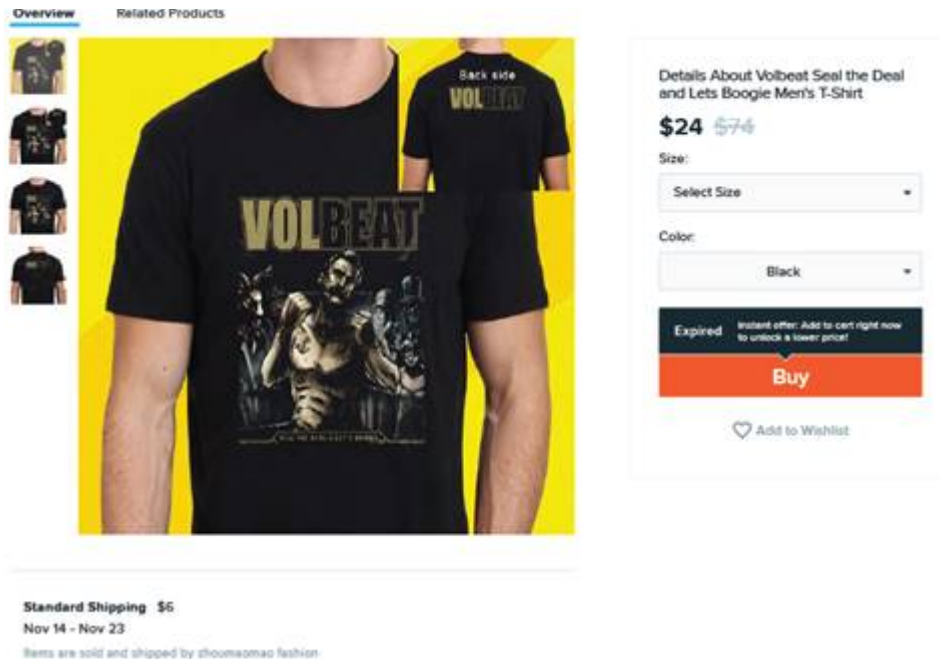
♥ Add to Wishlist

Standard Shipping \$4USD

Oct 10 - Oct 19

Items are sold and shipped by wenjiao666

No. 186 zhoumaomao fashion



In conclusion, since the Defendants storefronts are strikingly similar, the models displaying the products are substantially the same, are selling the same products and use similar ad copy to promote the same products, joinder of the Defendants at this stage of the case is appropriate.

Respectfully submitted,

Dated: August 3, 2020

By: s/Michael A. Hierl
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Plaintiff's Memorandum in Support of Joinder was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on August 3, 2020.

s/Michael A. Hierl